

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 2/3/13

Signature

Angie Wall

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of _____ (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

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Date: 2-5-13

Ernie Gordon Wall
Signature

ERNIE GORDAN WALL
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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Date: 12.18.12

Carolyn J. Webb
Signature

CAROLYN J. WEBB
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: N/A of
(Title)

N/A
(Corporate, Trust, Partnership or other entity)

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Date: 12-18-12

John S. Webb
Signature

JOHN S. WEBB
Printed/Typed Name

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(Title)

N/A
(Corporate, Trust, Partnership or other entity)

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Date: 1/11/13

Diane Jeanne Welsa
Signature

DIANE JEANNE WELSA
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

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Date: 11/11/13

Signature NED WELSH

Printed/Typed Name NED WELSH

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

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Date: January 3, 2013

Signature 

Printed/Typed Name Jeffrey A. White

If you are acting on behalf of any entity, identify that you are acting as: Trustee of (Title)

The White Trust dated November 6, 1990
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)

Plaintiff-Intervenor

VS.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

Defendant

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:

Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace - Suite 370
Denver, Colorado 80202

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Attorney:

Address:

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

“Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.” U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

Jeffrey A. White / Jeffrey A. White
(Printed or typed Name)

(Printed or typed Name)

Trustee of the White Trust dated November 6, 1990

(Entity, if any, on whose behalf you are appearing)

380 Alabama Drive

Long Pine, Calif 93545
(Address)

(Address)

760 976 5445

(Telephone number)

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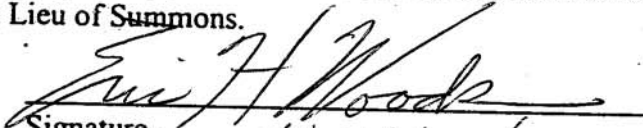
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Date: 1/8/2013


Signature
Eric H Woods

Printed/Typed Name

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acting as: NA of
(Title)

NA
(Corporate, Trust, Partnership or other entity)

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Merrilee G. Woods
Signature

Merrilee G. Woods
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: —NA— of
(Title)

—NA—
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

COPY FOR YOUR
INFORMATIONU.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2012 DEC 20 PM 4:29

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/16/12

Signature

Alison Woodworth

Printed/Typed Name

Alison Woodworth

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

U.S. DEPT. OF JUSTICE
ENV. & NAT. RES. DIV.
DENVER, CO.

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

2012 DEC 20 PM 4: 29

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-16-2012

Signature

Bruce D. Woodworth

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

FILED	RECEIVED
<input checked="" type="checkbox"/>	<input type="checkbox"/>
SERVED ON	
COUNSEL/PARTIES OF RECORD	
DEC 18 2012	
No Copy	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: _____	DEPUTY

UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)

Plaintiff-Intervenor

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

Defendant

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501

3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of Summons, I am mailing a copy of this document to:

Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace - Suite 370
Denver, Colorado 80202

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1

EXHIBIT 154

1 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4 5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5 represent me in these proceedings, I identify that attorney below, along with his or her mailing
6 address, telephone number, facsimile number, and e-mail address:

7 Attorney:

8 Address:

9
10 Phone Number:

11 Fax Number:

12 E-mail Address:

13 PLEASE NOTE: Attorneys are reminded that they are required to comply with the
14 electronic filing procedures of the U.S. District Court for District of Nevada.

15 "Attorneys who are admitted to the bar of this court, admitted to participate in a case
16 pro hac vice, or who are authorized to represent the United States and its agencies, shall
17 register as Filing Users of the System. Registration shall be in the form prescribed by
18 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.
19 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

20 (Signature)

21 Bruce D. Woodworth

22 (Printed or typed Name)

23 _____
24 (Entity, if any, on whose
25 behalf you are appearing)

26 824 Burdhan Flat Rd
27 Coleville, CA 96107

28 (Address)

530-402-6422

 (Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

2

make
copy

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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Date: 1/2/12

David Abel Julie Steinberg
Signature
David Abel Julie Steinberg
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Trustees of

mail to
Susan L. Schneider
and
Linda Lee Shaver

David Abel and Julie Steinberg (Title)
Revocable Trust
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

2/18/13

Please Note



These documents were
sent in error to us.
Our understanding is that
the property is not riparian
to the creek, and is
bordered by the Hammeville
irrigation ditch only.
Would appreciate notice
of receipt of this.

Thank you

Dawn Abel

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB 21 2013	
N.D. COM.	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: <u>[Signature]</u>	DEPUTY

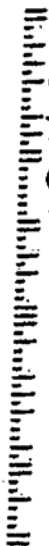
Daniel Albel
Julie Steinberg
336-670 ST
Oakland Calif
94618

OAKLAND CA 946

19 FEB 2013 PM 3 L



89501219576



Linda Lee Shaver
Chief Deputy Clerk
U.S. Dist. Ct for Dist of Nevada
400 South Virginia St. # 301
Reno NV 89501

Please be informed that
Robert & Susan Ames own
5 acres and 5 shares of
water rights

Maurice & Terry own 5
You sent 2 copies to Maurice

Thank you

Susan Ames
530 495-2970

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

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5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 11/8/2013


Signature

TERRY AMES
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.
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4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.
5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1/7/13

Stacy Simon
Signature

Stacey Simon
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: Legal Counsel of

(Title)
Antelope Valley Fire District
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

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An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 11 2013	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
	DEPUTY

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

In Equity No. C-125-ECR

Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

**DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER**

v.

WALKER RIVER IRRIGATION

DISTRICT,

a corporation, et al.,

Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the Case Management Order (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

~~Susan L. Schneider~~
~~United States Department of Justice~~
~~P.O. Box 756~~
~~Littleton, CO 80160~~

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

8
9 Street or P.O. Box:

10
11 Town or City:

12
13 State:

14
15 Zip Code:

16 2. The name and address of each person or entity who acquired ownership
17

18
19 Name(s):

20
21 Street or P.O. Box:

22
23 Town or City:

24
25 State:

26
27 Zip Code:
28

The Fire District's
Property is
not riparian.
An irrigation
ditch only

Crosses
the property.

1
2
3 3. Attached to or included with this notice is a copy of the (check appropriate
4 box(es)):

- 5 ☐ Deed
6 ☐ Court Order
7 ☐ Other Document.
8
9

10 by which the change in ownership was accomplished.

11 4. The undersigned acknowledges that any person or entity who files a Disclaimer
12 of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently,
13 the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but,
14 in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of
15 this litigation.

16 Executed this 7 day of January 2013

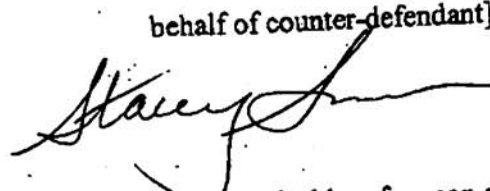
17
18
19
20
21 [signature of counter-defendant]

22
23
24 Antelope Valley Fire Distric

25 [name of counter-defendant]
26
27
28

Stacey Simon
Asst. County Counsel
for Mono County

[name, if applicable, of person acting on
behalf of counter-defendant]



[signature, if applicable, of person acting on
behalf of Counter-Defendant]

County:

P.O. Box 2415
Mammoth Lakes, CA
93546

Fire District:

1166 Larson Lane
Coleville, CA 96107

[address]

760-924-1700

530-495-2900

[telephone number]

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

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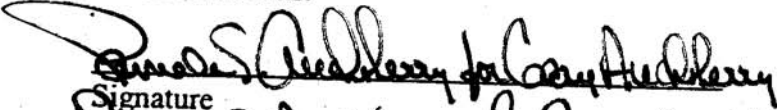
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Date: January 28, 2013


Signature

Pamela S. Auchberry for Gary Auchberry
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor

vs.

WALKER RIVER IRRIGATION DISTRICT,
)
a corporation, et al.,

Defendant

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

5. If I (or the entity on whose behalf I am acting) have retained an attorney to represent me in these proceedings, I identify that attorney below, along with his or her mailing address, telephone number, facsimile number, and e-mail address:

Address:

Phone Number:

Fax Number:

E-mail Address:

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

“Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.” U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)
Pamela S. Auchberry

(Printed or typed Name)

for Gary Auchberry (deceased)

(Entity, if any, on whose behalf you are appearing)

1651 Koontz Ln.
Carson City, Nv. 89201
(Address)

(Telephone number)

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 01-29-2013

Nicole R. Auchoberry
Signature

Nicole R. Auchoberry
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are
acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintff

WALKER RIVER PAIUTE TRIBE,)
Plaintiff-Intervenor)

vs.

WALKER RIVER IRRIGATION DISTRICT,
)
a corporation, et al.,)

Defendant)

IN EQUITY NO. C-125

SUBFILE NO. C-125-B

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1. I hereby enter my appearance in this sub-proceeding in this case.
2. I am filing this document with the District Court at the following address:

Chief Deputy Clerk
United States District Court for the
District of Nevada
400 South Virginia Street, Suite 301
Reno, Nevada 89501
3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
Summons, I am mailing a copy of this document to:

Susan L. Schneider
Attorney for the United States of America
United States Department of Justice
Environment & Natural Resources Division
999 18th Street, South Terrace - Suite 370
Denver, Colorado 80202

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

1

EXHIBIT 163

1 4. I (or the entity on whose behalf I am acting) will retain all defenses or objections
2 to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect
3 in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

4 5. If I (or the entity on whose behalf I am acting) have retained an attorney to
5 represent me in these proceedings, I identify that attorney below, along with his or her mailing
6 address, telephone number, facsimile number, and e-mail address:

7 Attorney:

8 Address:

9
10 Phone Number:

11 Fax Number:

12 E-mail Address:

13
14 PLEASE NOTE: Attorneys are reminded that they are required to comply with the
15 electronic filing procedures of the U.S. District Court for District of Nevada.

16 "Attorneys who are admitted to the bar of this court, admitted to participate in a case
17 pro hac vice, or who are authorized to represent the United States and its agencies, shall
18 register as Filing Users of the System. Registration shall be in the form prescribed by
19 the Clerk of the Court and by these Electronic Filing Procedures." U.S. Dist. Ct., D.
20 Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

21 
(Signature)

22 Nicole R. Anchberry
(Printed or typed Name)

23
24 _____
(Entity, if any, on whose
25 behalf you are appearing)

26
27 _____
(Address)

28 _____
(Telephone number)

NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL/PARTIES OF RECORD

DEC 28 2012

CLERK US DISTRICT COURT
DISTRICT OF NEVADA
BY: _____ DEPUTY

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number in Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12/24/12

Signature

Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of (Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

In Equity No. C-125-ECR
Subfile No. C-125-B

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

DISCLAIMER OF INTEREST IN
WATER RIGHTS AND NOTICE OF
RELATED INFORMATION AND
DOCUMENTATION SUPPORTING
DISCLAIMER

v.

WALKER RIVER IRRIGATION
DISTRICT,
a corporation, et al.,

Defendants.

The undersigned counter-defendant in the above action hereby notifies the Court and the United States that the undersigned (or the entity on whose behalf the undersigned is acting) has no interest in any water right within the categories set forth in Paragraph 3 of the *Case Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

This disclaimer and notice shall be sent to the following two persons:

Linda Lea Sharer, Chief Deputy Clerk
United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

And

~~Susan L. Schneider~~
~~United States Department of Justice~~
~~P.O. Box 756~~
~~Littleton, CO 80160~~

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

In addition, because the undersigned sold or otherwise conveyed ownership of all of the

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

NONE

8
9 Street or P.O. Box:

10
11 Town or City:

NOT ON RIVER

12
13 State:

IRRIGATION DITCH RUNS THRU
PROPERTY; HAVE NO WATER RIGHTS

14
15 Zip Code:

BRAD BONFIGLIO
P.O. BOX 76 TAPAZ 96133

16
17 2. The name and address of each person or entity who acquired ownership

18
19 Name(s):

NONE

20
21 Street or P.O. Box:

22
23 Town or City:

24
25 State:

26
27 Zip Code:

3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
- ☐ Court Order
- ☐ Other Document.

N/A

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 21 day of DEC 2012.

HAVE NO WATER RIGHTS

[signature of counter-defendant]



[name of counter-defendant]

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[name, if applicable, of person acting on
behalf of counter-defendant]

[signature, if applicable, of person acting on
behalf of Counter-Defendant]

[address]

Brad Bonfiglio
P.O. Box 76
Topaz, CA 96133

[telephone number]

775-750-0538

DO NOT LIVE ON RIVER
HAVE NO WATER RIGHTS

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

FILED
ENTERED
RECEIVED
SERVED ON
COUNSEL PARTIES OF RECORD
DEC 28 2012
CLERK US DISTRICT COURT
DISTRICT OF NEVADA
DEPUTY

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number in Equity C-125 Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER - DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 12-21-12

Susan Bortiglio
Signature

Susan Bortiglio
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: _____ of
(Title)

(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1
2
3 IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

4 UNITED STATES OF AMERICA,

5 Plaintiff,

) In Equity No. C-125-ECR
) Subfile No. C-125-B

6
7 WALKER RIVER PAIUTE TRIBE,

8 Plaintiff-Intervenor,

) **DISCLAIMER OF INTEREST IN
) WATER RIGHTS AND NOTICE OF
) RELATED INFORMATION AND
) DOCUMENTATION SUPPORTING
) DISCLAIMER.**

9 v.

10 WALKER RIVER IRRIGATION
11 DISTRICT,
12 a corporation, et al.,

13 Defendants.)

14
15 The undersigned counter-defendant in the above action hereby notifies the Court and the
16 United States that the undersigned (or the entity on whose behalf the undersigned is acting) has
17 no interest in any water right within the categories set forth in Paragraph 3 of the *Case*
18 *Management Order* (Apr. 18, 2000) and, therefore, disclaims all interest in this action.

19 This disclaimer and notice shall be sent to the following two persons:

20
21 Linda Lea Sharer, Chief Deputy Clerk
22 United States District Court for the District of Nevada
400 South Virginia Street, Suite 301
Reno, NV 89501

23 And

24
25 ~~Susan L. Schneider~~
~~United States Department of Justice~~
~~P.O. Box 756~~
~~Littleton, CO 80160~~

Susan L. Schneider
United States Department of Justice
999 18th Street
South Terrace - Suite 370
Denver, CO 80202

26
27 In addition, because the undersigned sold or otherwise conveyed ownership of all of the
28

DISCLAIMER OF WATER RIGHTS AND NOTICE OF RELATED INFORMATION, page 1 of 4

1 water rights that the undersigned (or the entity on whose behalf the undersigned is acting) once
2 owned before the undersigned was served with a Waiver of Service of Notice in Lieu of
3 Summons or by a Notice in Lieu of Summons, the undersigned provides the following
4 additional information:

5 1. The name and address of the party or parties who sold or otherwise conveyed
6 ownership:

7 Name(s):

8
9 Street or P.O. Box:

10
11 Town or City:

12
13 State:

14
15 Zip Code:

16
17 2. The name and address of each person or entity who acquired ownership

18
19 Name(s):

20
21 Street or P.O. Box:

22
23 Town or City:

24
25 State:

26
27 Zip Code:

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3. Attached to or included with this notice is a copy of the (check appropriate box(es)):

- ☐ Deed
- ☐ Court Order
- ☐ Other Document

N/A

by which the change in ownership was accomplished.

4. The undersigned acknowledges that any person or entity who files a Disclaimer of Interest in this matter is ultimately responsible for the accuracy of this filing. Consequently, the undersigned acknowledges that any person or entity who files a Disclaimer of Interest, but, in fact, has water rights subject to this litigation, shall nevertheless be bound by the results of this litigation.

Executed this 21 day of DEC. 2012

HAVE NO WATER RIGHTS

[signature of counter-defendant]

Susan Borzilew

[name of counter-defendant]

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[name, if applicable, of person acting on
behalf of counter-defendant]

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[signature, if applicable, of person acting on
behalf of Counter-Defendant]

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[address]

16

17

Susan Bonfiglio
P.O. Box 76
Topaz, CA 96133

18

19

[telephone number]

20

775-750-1192

21

22

23

24

DO NOT LIVE ON RIVER
HAVE NO WATER RIGHTS

25

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WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 1-9-13

Joyce M. Gavin
Signature

Joyce M. Gavin
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: managing partner of
(Title)

Borda Family Limited Partnership
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3 _____))
4 UNITED STATES OF AMERICA,)
5 Plaintff)
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7 WALKER RIVER PAIUTE TRIBE,))
8 Plaintiff-Intervenor)
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IN EQUITY NO. C-125

SUBFILE NO. C-125-B

vs.

WALKER RIVER IRRIGATION DISTRICT,

a corporation, et al.,

Defendant

13 **NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE**

- 14
15 1. I hereby enter my appearance in this sub-proceeding in this case.
16 2. I am filing this document with the District Court at the following address:

17 Chief Deputy Clerk
18 United States District Court for the
19 District of Nevada
20 400 South Virginia Street, Suite 301
21 Reno, Nevada 89501

- 22 3. In the envelope provided for return of my Waiver of Service of Notice in Lieu of
23 Summons, I am mailing a copy of this document to:

24 Susan L. Schneider
25 Attorney for the United States of America
26 United States Department of Justice
27 Environment & Natural Resources Division
28 999 18th Street, South Terrace - Suite 370
 Denver, Colorado 80202

Attorney: John Gavin

Address: 177 E. 7th St

Carson City NV 89701

Phone Number: 775-882-4766

Fax Number: 775-882-5680

E-mail Address: john@jgreahty-law.com

PLEASE NOTE: Attorneys are reminded that they are required to comply with the electronic filing procedures of the U.S. District Court for District of Nevada.

“Attorneys who are admitted to the bar of this court, admitted to participate in a case pro hac vice, or who are authorized to represent the United States and its agencies, shall register as Filing Users of the System. Registration shall be in the form prescribed by the Clerk of the Court and by these Electronic Filing Procedures.” U.S. Dist. Ct., D. Nev., Electronic Filing Procedures (rev. Aug. 24, 2006) at I.C.

(Signature)

Jayce M. Gavin
(Printed or typed Name)

Joyce M. Gavin

Borda Family Limited Partnership
(Entity, if any, on whose

(Entity, if any, on whose behalf you are appearing)

1432 Ezell St.
Gardnerville NV 89410

(Address)

775-246-7311

(Telephone number)

2

WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS

TO: Susan L. Schneider, attorney for the United States of America

1. I acknowledge receipt of your request that I waive service of a Notice in Lieu of Summons in the action of *United States v. Walker River Irrigation District*, which is docket number In Equity C-125, Subfile C-125-B, in the United States District Court for the District of Nevada.

2. I have also received a copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA, the FIRST AMENDED COUNTERCLAIM OF WALKER RIVER PAIUTE TRIBE, the CASE MANAGEMENT ORDER (Apr. 18, 2000), two copies of a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE, a copy of the ORDER – DISCLAIMER OF INTEREST and related form, a copy of the ORDER REGARDING CHANGES IN OWNERSHIP OF WATER RIGHTS and related form, two copies of this instrument (WAIVER OF SERVICE OF NOTICE IN LIEU OF SUMMONS), and a means by which I can return the signed waiver to you without cost to me.

3. I agree to save the cost to me of service of a Notice in Lieu of Summons and an additional copy of the FIRST AMENDED COUNTERCLAIM OF THE UNITED STATES OF AMERICA and the FIRST AMENDED COUNTERCLAIM OF THE WALKER RIVER PAIUTE TRIBE in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4 of the Federal Rules of Civil Procedure.

4. I understand that if I waive service of a Notice in Lieu of Summons, I must mail a NOTICE OF APPEARANCE AND INTENT TO PARTICIPATE to Susan L. Schneider, attorney for the United States, and I may use the same envelope provided for return of the waiver of service.

5. I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the Court except for objections based on a defect in the Notice in Lieu of Summons or in the service of the Notice in Lieu of Summons.

Date: 01 JAN 2013

Walter R. Briggs / Linda C. Briggs
Signature

WALTER R. BRIGGS / Linda C. Briggs
Printed/Typed Name

If you are acting on behalf of any entity, identify that you are acting as: TRUSTEES of

(Title)
"BRIGGS LIVING TRUST 02-18-10"
(Corporate, Trust, Partnership or other entity)

Duty to Avoid Unnecessary Costs of Service of Notice in Lieu of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the Notice in Lieu of Summons and the First Amended Counterclaims. An entity (such as yourself) located in the United States who, after being notified of an action and asked by a plaintiff (here the United States and Tribe) located in the United States to waive service of a Notice in Lieu of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the claims of the opposing parties are unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the Notice in Lieu of Summons retains all defenses and objections (except any relating to the Notice in Lieu of Summons or to the service of the Notice in Lieu of Summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

An entity in this case who waives service must, within 60 days, as specified on the waiver form, provide the court and DOJ attorney S. Schneider with a notice of appearance and intent to participate.